In the High Court of Judicature at Madras

Dated: 22.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.2449 of 2002
& WAMP No.4120 of 2002

M/s C.A.V. Cotton Mills Ltd.,
Vellapommanpatty, Trichy Road,
Vadamadurai, Vedasendur Taluk,
Dindigul District, rep. through its
Assistant General Manager,
B.Chellappan. .. Appellant

Vs..

1.The Government of India,
Ministry of Labour,
Nirman Bhavan, New Delhi.
Rep. by its Deputy Secretary.

2.The Employees' State Insurance
Corporation, rep. by its
Director General, New Delhi.

3.The Regional Director,
Employees State Insurance
Corporation, 143, Sterling Road,
Chennai-600 034.

4.The Deputy Director,
Employees State Insurance
Corporation, Sub Regional
Office, K.K.Nagar,
Madurai-625 020. .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent Appeal against the order passed in W.P.No.23429 of 2002 dated 01.07.2002. filed under article 226 of the Constitution of India to call for the records of the 1st Respondent made in Notification NO. Nil dated 20.06.2001 and the consequential orders of the 4th Respondent made in No. 57/N/15/14/2/2000/BF/SRO/MDU dated 19-7-2001 and order No. 57-IPN/2001 dated 12.09.2001 and quash the same and restrain the Respondents from implementing the provisions of the Employees State

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Insurance Act 1948 and also restraining the respondents from initiating any criminal or recovery proceedings in so far as the petitioner's establishment is concerned.

For Appellant : Mr. S.Silambanan

For Respondents : Mrs.Jayakumari

COMMON JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is filed against the order dated 01.07.2002 made in W.P.No.23429 of 2002, in and by which, the learned single Judge has dismissed the writ petition.

2. Heard both sides.

3. In view of the fact that the learned counsel appearing for the appellant as well as the respondents are agreeable for passing the following order, we are of the view that it is unnecessary to traverse all the factual details as stated in the affidavit filed in support of the above writ petition, counter affidavit as well as the reasonings of the learned single Judge. Accordingly, we permit the appellant to make a representation to the fourth respondent viz.,The Deputy Director, Employees State Insurance Corporation, 1-B, Old Post Office Street, Tallakulam, Madurai-625 002, within a period of three weeks from the date of receipt of a copy of this order. If any such representation is made, the fourth respondent is directed to consider and dispose of the same on merits and in accordance with law, within a period of three months thereafter.

4. The writ appeal is disposed of on the above terms. No costs. Consequently, W.A.M.P.No.4120 of 2002 is closed.
Raa

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Deputy Secretary,
Government of India,
Ministry of Labour,
Nirman Bhavan, New Delhi.

2.The Director General
Employees' State Insurance
Corporation, New Delhi.

3.The Regional Director,
Employees State Insurance
Corporation, 143, Sterling Road,
Chennai-600 034.

4.The Deputy Director,
Employees State Insurance
Corporation, Sub Regional
Office, K.K.Nagar,
Madurai-625 020.

+ one cc to Mrs. S. Jayakumari, Advocate sr no. 10766

ts(co)
nm(01.03.07)

W.A.No.2449 of 2002

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